

REMARKS

By the present amendment, claims 1, 3 and 6 have been amended to further clarify the concepts of the present invention. Support for the subject matter added to independent claim 1 may be found, among other places, at the bottom paragraph of page ten of the specification as filed. Entry of these amendments is respectfully requested.

In the Office Action, claims 1-11 were rejected under 35 USC § 102(e) as being unpatentable over the patent to Maeda et al. Reconsideration of this rejection in view of the above claim amendments and the following comments is respectfully requested.

It is submitted that the cited patent to Maeda et al does not teach or suggest the subject matter of independent claim 1 and the claims dependent thereon. More particularly, the Maeda et al patent discloses a "2-ethylhexyl acrylate-methyl acrylate-methoxy polyethylene glycol mono-methacrylate copolymer" in column 5, lines 61-62, and a methoxy-polyethylene glycol monomethacrylate monomer in column 4, lines 3-5. It is submitted that these are the only passages even remotely relevant to the instantly claimed subject matter of the subject application and the present claims. Among other things, the Maeda et al patent is completely silent on the gel content of the copolymer as now recited in amended independent claim 1. Thus, it is submitted that claim 1 and the claims dependent thereon patentably distinguish over the teachings of the cited patent.

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For the reasons stated above, withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of claims 1 through 11 as amended over the cited Maeda et al patent are respectfully requested.

Further, with regard to above rejection, it is to be noted that (1) the application which issued as the patent to Maeda et al and the subject application were co-pending and that (2) the patent to Maeda et al and the subject application are assigned to the same assignee. In particular as (1), the patent to Maeda et al has a U.S. issue date of September 11, 2001, whereas the subject application has a PCT filing date of July 14, 2000.

As to (2), the patent to Maeda et al is assigned of record to Nippon Zeon Co. Ltd. of Tokyo, Japan and the subject application is assigned of record to Zeon Corporation of Tokyo, Japan. However, prior to June 2000, Zeon Corporation was known as Nippon Zeon Co., Ltd. The change of name of Nippon Zeon Co., Ltd. to Zeon Corporation was not a legal change of name as the actual corporate name remained the same, but rather was a change in the name the corporation did business under. In support thereof, attention is directed to the attached Declaration of Mr. Y. Wada, Director General Manager of the Intellectual Property Department of Zeon Corporation. Thus, the patent to Maeda et al and the subject application are assigned to the same assignee.

A recent amendment to 35 USC § 103(c) became effective as to any application

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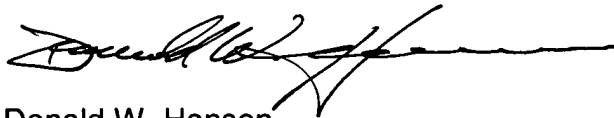
filed after November 29, 1999. This amendment provides that prior art effective under the provisions of 35 USC § 102(e), that is, a U.S. patent having a filing date prior to the filing date of the subject application, is no longer effective prior art if the two have the same assignee. Since the Maeda et al patent and the subject application are assigned to the same assignee and the basis for citation of the patent would be 35 USC § 102(e), the above provisions of § 103(c) apply.

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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Enclosure: Declaration of Mr. Y. Wada